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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,651	12/22/2000	Glenn D. Kirwin	CF/013	1536

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EXAMINER
TINKLER, MURIEL S

ART UNIT	PAPER NUMBER
3691	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/745,651	KIRWIN ET AL.
	Examiner	Art Unit	
	Muriel Tinkler	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *January 30, 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,8-10,17,19,24,29,30,37-40,42-46,49,50 and 63-74* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6, 8-10, 17, 19, 24, 29, 30, 37-40, 42-46, 49, 50 and 63-74* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *7/22/05, 7/28/04, 3/3/04*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070409

DETAILED ACTION

This application has been reviewed. Claims 5, 7, 11-16, 18, 20-23, 25-28, 31-36,

41, 47, 48, and 51-62 have been cancelled. Claims 1-4, 6, 8-10, 17, 19, 24, 29, 30, 37-

40, 42-46, 49, 50, and 63-74 are pending. The rejections are as follows.

Response to Arguments

1.   Applicant's arguments with respect to claims 1, 19, and 68 have been considered

but are moot in view of the new ground(s) of rejection.

2.   The Applicant argues that Minton, Robertson, Tuck, Bates, and Harrington fail to

teach or suggest a method wherein a trading command is received via a first interface

that includes a selectable trading variable, such as a bid variable or an offer variable,

displayed therein that when selected results in the presentation of a second interface

screen. Tuck does in fact teach: a software generated screen displayed after a System

Administrator in figure 8 and column 5 (lines (26-38); and, an Edit Primary Contract

Display which appears when the Edit Primary Contracts button of the User Maintenance

screen is pressed in figure 10 and column 6 (lines 13-34).

3.   The Applicant argues that the references fail to teach or suggest presenting a

second interface that includes at least one button therein for confirming the trading

command in response to a selection of the selectable trading variable. This can be

shown in the Tuck reference, as stated in the Office Action mailed on September 12,

2006, in figure 22 and column 10 (lines 28-52).

4.   The Applicant argues that Claim 19 further recites additional features that are not

disclosed by the references. The Applicant states that the first interface shows bid price

and bid size, while the second interface shows offer price and offer size. Tuck discloses

that participants have the ability to display both buy and sell offers, in the Abstract.

Tuck also discloses the use of price and size fields in the first and second interface in

figure 21, figure 22 and column 10 (lines 28-39), as shown in the Office Action mailed

on September 12, 2006. The Applicant further argues that Tuck teaches posting from a

first interface to a second interface based on selection and do not consider trading

variables are posted in the second interface based on the selection of the particular

trade variables in the first interface. This is clearly untrue. Figure 22 (second interface)

is clearly dependent on a selection from figure 21 (first interface). This can be shown in

column 10 (lines 34-36), "Upon pressing the Sell button, the Sell Confirmation dialogue

box 182, shown in FIG. 22, appears."

5.   The Applicant argues the 'Official Notice' reference cited by the examiner. The

Applicant's arguments are rendered moot because the claim to which Official Notice

was used (claim 13) has been cancelled.

6.   The Applicant argues that the references for claim 37 fail to disclose or otherwise

suggest posting data from the first interface in response to a selection of the button in

the second interface once and submitting the trade command for execution in response

to a selection of the button again. Applicant's arguments, see page 15 (paragraph 1),

filed January 30, 2007, with respect to the rejection(s) of claim(s) 37 under 35 U.S.C.

103 have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made

in view of Raykhman (US 7,171,386 B1).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

9.   Claims 1, 2, 4, 6-9, 10, 17, 19, 24, 29, 40, 42-46, 49, 50, and 63-74 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Tuck (US 6,115,698) in view of

Robertson et al. (EP 0,665,489 A2) and in further view of Raykhman (US 7,171,386

B1).

10.   Claim 1 discusses a method comprising:

- receiving a trading command to trade in at least one item via a first interface, the
  first interface displaying at least one of a bid variable and an offer variable
  associated with trading the item, each of the variables selectable for submitting
  the trading command (figure 21); presenting a second interface in response to
  receiving the trading command, the second interface comprising at least one
  button for confirming the trading command being submitted (figure 22);

- submitting the trade command for execution in response to a selection of the at
  least one button. See the rejection of claim 37 below.

Tuck does not disclose automatically repositioning a pointing device pointer over the at

least one button in the second interface. Robertson teaches this feature. See the

rejection of claim 1, in the Office Action mailed on September 12, 2006.

11. Claim 2 discusses the method of claim 1, wherein the bid variable comprises at least

one of a bid price and a bid size, and wherein the offer variable comprises at least

one of an offer price and an offer size, the trading command submitted by selecting

one of the bid price, the bid size, the offer price, and the offer size. Claim 1 has

been rejected based on the discussion(s) above. See the arguments regarding

claim 19 above.

12.   Claim 4 discusses the method of claim 2, wherein the first interface displays a bid

variable and the trading command comprises a bid command submitted by selecting the

bid price. Claim 2 has been rejected based on the discussion(s) above. Tuck discloses

this in figure 17 (element 162).

13.   Claim 6 discusses the method of claim 2, wherein the first interface displays an

offer variable and the trading command comprises an offer command submitted by

selecting the offer price. Claim 2 has been rejected based on the discussion(s) above.

Tuck discloses this in figure 17 (see 'Buy' tab).

14.   Claim 8 discusses the method of claim 2, wherein the at least one of the bid

variable and the offer variable are displayed in a market cell. Claim 2 has been rejected

based on the discussion(s) above. Tuck discloses a market cell, or data window, in

figure 21.

15.   Claim 9 discusses the method of claim 2, wherein the first interface displays a bid

variable and the trading command comprises a sell command submitted by selecting

the bid size. Claim 2 has been rejected based on the discussion(s) above. See the

rejection of claims 1, 4, and 6.

16.   Claim 10 discusses the method of claim 2, wherein the first interface displays an

offer variable and the trading command comprises a buy command submitted by

selecting the offer size. Claim 2 has been rejected based on the discussion(s) above.

Tuck discloses this in figure 21 (see 'Buy Market' tab).

17.   Claim 17 discusses the method of claim 1, wherein the first interface comprises a

bid variable and an offer variable, the trade command comprises at least one of a bid

command and an offer command, and the second interface comprises a bid button for

confirming the bid command and an offer button for confirming the offer command, and

wherein the pointing device pointer is repositioned over the bid button in response to

selection of the bid variable and over the offer button in response to selection of the

offer variable.   Claim 1 has been rejected based on the discussion(s) above. See the

rejection of claims 6 and 8. Tuck discloses the bid and offer portion of this interface in

figure 19.

18.   Claim 19 discusses a method comprising: receiving a trading command to trade

in at least one item via a first interface, the first interface displaying at least one trading

variable associated with trading the item, the at least one trading variable comprising at

least one of a bid price, a bid size, an offer price, and an offer size, each of the trading

variables selectable for submitting the trading command; presenting a second interface

in response to receiving the trading command, the second interface comprising: at least

one button for confirming the trading command being submitted, a price field, and a size

field, wherein the bid price is posted in the price field by selecting the bid price in the

first interface, the bid size is posted in the size field by selecting the bid size in the first

interface, the offer price is posted in the price field by selecting the offer price in the first

interface, and the offer size is posted in the size field by selecting the offer size in the

first interface; and submitting the trade command for execution in response to confirmation of the trading command. See the rejection of claim 1 above. See also the Response to Arguments, regarding claim 19 above.

19. Claim 24 discusses the method of claim 19, wherein the trade command comprises one of a bid command and an offer command, the second interface comprises a bid button for submitting the bid command and an offer button for submitting the offer command, and wherein a pointing device pointer is repositioned over the bid button in response to a selection of the bid price and over the offer button in response to a selection of the offer price size. Claim 19 has been rejected based on the discussion(s) above. See also the rejection of claim 2 above.

20. Claim 29 discusses the method of claim 19, wherein the first interface is an entry window. The Applicant refers to a market cell as an entry window. Claim 19 has been rejected based on the discussion(s) above. Also, see the rejection of claim 8 above.

21. Claim 37 discusses a method comprising: receiving a trading command to trade in at least one item via a first interface, the first interface displaying at least one trading variable associated with trading the item; presenting a second interface in response to receiving the trading command, the second interface comprising at least one button for confirming the trading command being submitted and a data entry field; automatically repositioning a pointing device pointer over the at least one button in the second

interface; posting the at least one trading variable from the first interface in the data

entry field with a selection of the at least one button once; and submitting the trade

command for execution in response to selection of the at least one button again.

22.   Re Claim 37, see the rejection of claim 1 above. Tuck does not disclose posting

data from the first interface in response to a selection of the button in the second

interface once and submitting the trade command for execution in response to a

selection of the button again. Raykhman teaches this in figure 4 (element 52) and

column 14 (lines 30-36). Particularly, Raykhman discloses the use of buttons (element

52) that allow the user to use the best bid as well as submit a bid or offer. Therefore, it

would have been obvious to a person having ordinary skill in the art at the time the

invention was made to modify Tuck by allowing the user to obtain the 'best bid' by

clicking a button because it saves the user time and provides up-to-the-minute accuracy

when making a counter offer against the current best bid.

23.   Claim 49 discusses the method of claim 37, wherein the trading command

comprises an offer command, the at least one button comprises an offer button for

confirming the offer command, and the pointing device pointer is repositioned over the

offer button. Claim 37 has been rejected based on the discussion(s) above. See also

the rejection of claim 17.

24.   Claim 38 discusses the method of claim 37, wherein the trading command comprises a bid command, the at least one button comprises a bid button for confirming the bid command, and the at least one trading variable comprises a bid price, the bid price displayed in the first interface posted in the data entry field with the selection of the bid button at least once. Claim 37 has been rejected based on the discussion(s) above. See also the rejection of claims 1 and 2.

25.   Claim 40 discusses the method of claim 37, wherein the trading command comprises an offer command, the at least one button comprises a--big an offer button for confirming the offer command, and the at least one trading variable comprises an offer price, the offer price displayed in the first interface posted in the data entry field with the selection of the offer button. Claim 37 has been rejected based on the discussion(s) above. See also the rejection of claims 38, 4, 6, and 8.

26.   Claim 42 discusses the method of claim 37, wherein the at least one trading variable is displayed in a market cell. Claim 37 has been rejected based on the discussion(s) above. See also the rejection of claims 38, 4, 6, and 8.

27.   Claim 43 discusses the method of claim 37, wherein the at least one trading variable is displayed in a spreadsheet. The applicant discloses a market cell as data window. Claim 37 has been rejected based on the discussion(s) above. See the rejection of claim 8.

28.   Claim 44 discusses the method of claim 37, wherein the at least one trading

variable is displayed in a data window. Claim 37 has been rejected based on the

discussion(s) above. See also the rejection of claims 10 and 11.

29.   Claim 45 discusses the method of claim 37, wherein the at least one trading

variable is displayed in an entry window. Claim 37 has been rejected based on the

discussion(s) above. See also the rejection of claims 10 and 11.

30.   Claim 49 discusses the method of claim 37, wherein the trading command

comprises an offer command, the at least one button comprises an offer button for

confirming the offer command, and the pointing device pointer is repositioned over the

offer button. Claim 37 has been rejected based on the discussion(s) above. See also

the rejection of claims 13-15.

31.   Claim 50 discusses the method of claim 37, wherein the trading command

comprises a bid command, the at least one button comprises a bid button for confirming

the bid command, and the pointing device pointer is repositioned over the bid button.

Claim 37 has been rejected based on the discussion(s) above. See the rejections of

claim 17.

32.   Claim 63 discusses the method of claim 4, wherein the second interface

comprises a price field and a size field, and wherein the bid price is posted in the price

field by selecting the bid price in the first interface and wherein the bid size is posted in

the size field by selecting the bid size in the first interface. Claim 4 has been rejected

based on the discussion(s) above. See the rejection of claims 4 and 19.

33.   Claim 64 discusses the method of claim 63, wherein the bid command is

submitted for execution at a best bid price when a bid is submitted without a price.

Claim 63 has been rejected based on the discussion(s) above. See the rejection of

claim 37.

34.   Claim 65 discusses the method of claim 6, wherein the second interface

comprises a price field and a size field, and wherein the offer price is posted in the price

field by selecting the offer price in the first interface and wherein the offer size is posted

in the size field by selecting the offer size in the first interface. Claim 6 has been

rejected based on the discussion(s) above. See the rejection of claims 4 and 19.

35.   Claim 66 discusses the method of claim 4, wherein the second interface

comprises a price field, and wherein the bid price from the first interface is posted in the

price field by selecting the at least one button once and the bid command is submitted

for execution by selecting the at least one button again. Claim 4 has been rejected

based on the discussion(s) above. See the rejection of claims 4 and 19.

36.   Claim 67 discusses the method of claim 6, wherein the second interface

comprises a price field, and wherein the offer price from the first interface is posted in

the price field by selecting the at least one button once and the offer command is

submitted for execution by selecting the at least one button again. Claim 6 has been

rejected based on the discussion(s) above. See the rejection of claims 4 and 19.

37.   Claim 68 discusses a method comprising: receiving a trading command to trade

in at least one item via a first interface, the first interface displaying at least one of a bid

variable and an offer variable associated with trading the item, each of the variables

selectable for submitting the trading command; and presenting a second interface in

response to receiving the trading command, the second interface comprising at least

one button for confirming the trading command being submitted, a pointing device

pointer automatically repositioned over the at least one button. See the rejection of

claims 1 and 2.

38.   Claim 69 discusses the method of claim 68, wherein the bid variable comprises

at least one of a bid price and a bid size, and wherein the offer variable comprises at

least one of an offer price and an offer size, the trading command submitted by

selecting one of the bid price, the bid size, the offer price, and the offer size. Claim 68

has been rejected based on the discussion(s) above. See the rejection of claims 1 and

2.

39.   Claim 70 discusses the method of claim 69, wherein the second interface comprises a price field and a size field, and wherein the bid price is posted in the price field by selecting the bid price in the first interface and wherein the bid size is posted in the size field by selecting the bid size in the first interface. Claim 69 has been rejected based on the discussion(s) above. See the rejection of claims 69 and 19.

40.   Claim 71 discusses the method of claim 69, wherein the bid command is submitted for execution at a best bid price when a bid is submitted without a price. Claim 69 has been rejected based on the discussion(s) above. See the rejection of claim 37.

41.   Claim 72 discusses the method of claim 69, wherein the first interface displays an offer variable and the trading command comprises an offer command submitted by selecting the offer price or the offer size, the second interface comprises a price field and a size field, and wherein the offer price is posted in the price field by selecting the offer price in the first interface and wherein the offer size is posted in the size field by selecting the offer size in the first interface. Claim 69 has been rejected based on the discussion(s) above. See the rejection of claims 69 and 19.

42.   Claim 73 discusses the method of claim 69, wherein the first interface displays a

bid variable and the trading command comprises a bid command submitted by selecting

the bid price the second interface comprises a price field, and wherein the bid price from

the first interface is posted in the price field by selecting the at least one button once

and the bid command is submitted for execution by selecting the at least one button

again. Claim 69 has been rejected based on the discussion(s) above. See the rejection

of claims 69 and 19.

43.   Claim 74 discusses the method of claim 69, wherein the first interface displays

an offer variable and the trading command comprises an offer command submitted by

selecting the offer price the second interface comprises a price field, and wherein the

offer price from the first interface is posted in the price field by selecting the at least one

button once and the offer command is submitted for execution by selecting the at least

one button again. Claim 69 has been rejected based on the discussion(s) above. See

the rejection of claims 69 and 19.

44.   Claims 3 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tuck and Robertson et al. in view of Raykhman as applied to claims 1 and 37 above

and in further view of Bates et al. (US 6,809,741).

45.   Claim 3 discusses the method of claim 2, the first interface further displaying the

variables in a color when the pointer passes over a variable. Claim 2 has been rejected

based on the discussion(s) above. See the rejection of claims 3 and 39 in the office action mailed on September 12, 2006.

46.	Claim 39 discusses the method of claim 37, the first interface further displaying the at least one variable in a color when the pointer passes over a variable. Claim 37 has been rejected based on the discussion(s) above. See the rejection of claims 3 and 39 in the office action mailed on September 12, 2006.

47.	Claims 30 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuck and Robertson et al. in view of Raykhman as applied to claim(s) 1, 19, and 30 above and in further view of Harrington et al. (US 6,616,099).

48.	Claim 30 discusses the method of claim 19, wherein the first interface is a web page. Claim 19 has been rejected based on the discussion(s) above. The references cited for claim 19 do not incorporate the use of a webpage. Harrington discloses the use of a webpage. See the rejection of claim 30 in the in the Office Action mailed on September 12, 2006.

49.	Claim 46 discusses the method of claim 37, wherein the at least one trading variable is displayed in a web page. Claim 37 has been rejected based on the discussion(s) above. See the rejection of claim 30.
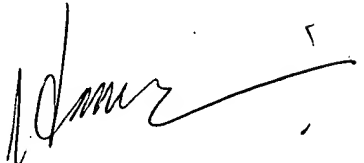
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT
April 10, 2007

HANI M. KAZIMI
PRIMARY EXAMINER